



## New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	III	Case Management	
Chapter:	A	Eligibility	4-15-2002
Subchapter:	1	Service Eligibility	
Issuance:	200	<b>Minors in Adult Circumstances</b>	

### **Emancipated Minors      4-15-2002**

New Jersey has no specific statutory or procedural guidelines for emancipating a minor child; therefore, there is no "legal" definition of the term. N.J.S.A. 9:17A-1 (Contracts and Consents) sets forth the circumstances in or for which a child is considered to be emancipated, i.e., released from the custody, control, and authority of his parents. Such circumstances are limited and are as follows:

- marriage/civil union partnership;
- pregnant or already a parent;
- serving in the military;
- by specific order of the court.

It should be noted that minors can neither marry nor enter the military without either parental consent or court order.

Those minors meeting any of the above criteria may consent to medical or surgical care and procedures for themselves or their own children, and generally qualify for benefits and services attendant to their circumstances.

A pregnant minor can consent to medical care for herself whether such care is related to or unrelated to the pregnancy.

CP&P may provide any other necessary and available service, including maintenance, to any minor in the above circumstances when the interests of the minor are best served through such services. The minor is registered as a child when services are provided, even when that child is a parent.

There are other, limited, circumstances in which all minors are permitted by statute to act, in effect, as adults. They are:

- contracting by written obligation to repay a loan received for higher education, and
- consenting to medical care or treatment for venereal disease, drug use or dependency on drugs.

No minor, whether or not emancipated by life circumstances or court order, can:

- contract for goods and services, e.g., loans, leases, or
- drink alcoholic beverages or vote in the state of New Jersey.

## **Municipal Welfare            6-11-90**

According to 10:85-3.1(e) of the General Assistance Manual, effective October 1, 1978, unattached children between the ages of 16 and 18 may be emancipated and may, therefore, be eligible for General Assistance through the Municipal Welfare Department. The revised guidelines instruct the Municipal Welfare Department to refer such cases to CP&P. CP&P evaluates the circumstances and accepts those cases for which services or maintenance can be provided. The Municipal Welfare Department continues assistance for each case as long as the client remains eligible or until the date on which CP&P assumes responsibility. If CP&P determines that it cannot appropriately provide services or maintenance in a particular case, it notifies the Municipal Welfare Department in writing and recommends that the minor be placed on General Assistance.

## **Parent Minors            11-10-97**

Parent-minor provisions of WFNJ-TANF

- (a) Parent-minors (applicants/recipients who are less than 18 years of age, never married, the natural parents of the dependent child and caring for the dependent child), shall be required, as a condition of eligibility for WFNJ-TANF benefits for the applicant or recipient and the applicant's or recipient's dependent child, to:
  - Reside in a home maintained by, and have the benefits paid to, the applicant's or recipient's parent, legal guardian, or other adult relative; and
  - Regularly attend a high school or equivalency program of study; or
  - Engage in a work activity if the applicant or recipient has completed secondary education.

- (b) If living with the parent, legal guardian, or other adult relative is determined unsuitable for the parent-minor as a result of the good cause reasons listed in (c) below, then the county agency shall refer the parent-minor to an alternate adult-supervised supportive living arrangement.
- (c) Good cause for locating an alternative living arrangement for the parent-minor may exist if, during the application or eligibility process, as appropriate, the county agency determines that the parent, legal guardian or other adult relative with whom the applicant or recipient would otherwise be required to reside in order to be eligible for benefits:
- Refuses or is unable to allow the applicant/recipient, or that person's dependent child, to reside in that adult's home;
  - Poses a threat to the emotional health or physical safety of the applicant/recipient or that person's dependent child;
  - Has exhibited neglect with respect to the needs of the applicant/recipient or the applicant/recipient's dependent child, or poses a risk of doing so;
  - Has abused the applicant or recipient, or the applicant's or recipient's dependent child, or poses a risk of doing so.
- (d) If the parent-minor recipient is at least 17 years of age and has successfully resided in an independent living arrangement prior to February 1, 1997 with no previous incident of homelessness, such parent-minors may be allowed to continue living in an independent living arrangement subject to the following conditions:
- The parent-minor shall name a responsible adult as a protective payee;
  - If the parent-minor cannot identify a responsible adult as the protective payee, he or she will have the choice of residing in an alternate adult-supervised living arrangement designated by the DFD or be ineligible for assistance. If at any time during the eligibility period, the parent-minor has not fully cooperated with his or her protective payee, the Worker or the representative of the entity designated by the DFD, he or she will be required to move his or her residence to an alternate adult-supervised living arrangement designated by the DFD or lose eligibility for cash assistance;

- The parent-minor shall fully cooperate with a series of regular home visitations which will be completed by a representative of the entity designated by the DFD; and,
  - The parent-minor must remain enrolled in high school or an approved GED program.
- (e) An applicant or recipient may be exempt from regularly attending high school or an equivalency program of study if, based upon an assessment of the person's ability and aptitude, it is determined that the applicant or recipient lacks a reasonable prospect of being able to successfully complete the academic requirements of a high school or equivalency program of study. The individual shall be required to participate in a State-approved alternative educational or training program authorized by the Department of Human Services or the Department of Children and Families.
- (f) When a parent-minor(s) and the parent-minor's child are residing with the parent-minor's natural or adoptive parent(s), income deeming rules apply to determining the eligibility of the parent-minor. See N.J.A.C. 10:90-3.16.
- (g) When a parent-minor(s) and the parent-minor's child reside with an adult relative other than their natural/adoptive parent(s), or as a separate household, in accordance with (d) above, the parent-minor's natural or adoptive parents shall be subject to the same income deeming provisions noted at N.J.A.C. 10:90-3.16.
- (h) When a parent-minor and his or her child are living in the home of the parent-minor's natural or adoptive parents, or relatives who qualify as parent-person(s) of the parent-minor, and such parent(s) or parent-persons are themselves eligible for case assistance, the eligible family shall consist of the parent-minor, the parent-minor's child, the parent-minor's parent(s) and the parent-minor's brothers and sisters. See N.J.A.C. 10:90-2.7.

CP&P only provides services to parent minors when they and their children are the subject(s) of a protective service referral, or are in need of preventive services or other intervention. See [CP&P-V-A-1-600](#)

### **Medicaid Special - Individual Under Age 21 6-11-90**

An individual under the age of 21 may be eligible for Medicaid Special through the CWA even though he is not eligible for AFDC and Medicaid coverage under that program. Financial eligibility for Medicaid Special is established when the

income of the eligible unit does not exceed the allowance standard for AFDC-C or -F in accordance with the provisions specified in Public Assistance Manual, N.J.A.C. 10:81-8.23.